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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,124	10/01/2003	Thomas A. Dettmann	1088.148US02	3911

24113 7590 01/31/2006

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EXAMINER

AYRES, TIMOTHY MICHAEL

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/677,124

Applicant(s)

DETTMANN, THOMAS A.

Examiner

Timothy M. Ayres

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 20-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 24-41 is/are rejected.
- 7) ☒ Claim(s) 20-23 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/15/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

This is a first office action on the merits of application SN 10/677,124.

Drawings

1. Color photographs and color drawings are not accepted unless a petition filed under 37 CFR 1.84(a)(2) is granted. Any such petition must be accompanied by the appropriate fee set forth in 37 CFR 1.17(h), three sets of color drawings or color photographs, as appropriate, and, unless already present, an amendment to include the following language as the first paragraph of the brief description of the drawings section of the specification:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

Color photographs will be accepted if the conditions for accepting color drawings and black and white photographs have been satisfied. See 37 CFR 1.84(b)(2).

Claim Objections

2. Claim 20 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should only refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, claims 20-23 have not been further treated on the merits.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

Art Unit: 3637

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is unclear what allows the panels to be "removably attached".

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1, 5, 6, and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Regarding claim 1, it is unclear if all the panels are removable attached or if just the first side and second side panels.

8. Claims 5 and 6 recite the limitation "the left side panel" in line 1. There is insufficient antecedent basis for this limitation in the claim. For examination purposes this is considered to be the first side panel.

9. Claims 5 and 6 recite the limitation "the right side panel" in line 2. There is insufficient antecedent basis for this limitation in the claim. For examination purposes this is considered to be the second side panel.

10. Regarding claim 11, one label need to be selected for the cabinet panel associated with the internal storage cabinet, it cannot be described as a "vertical cabinet panel" and a "front cabinet panel" at the same time.

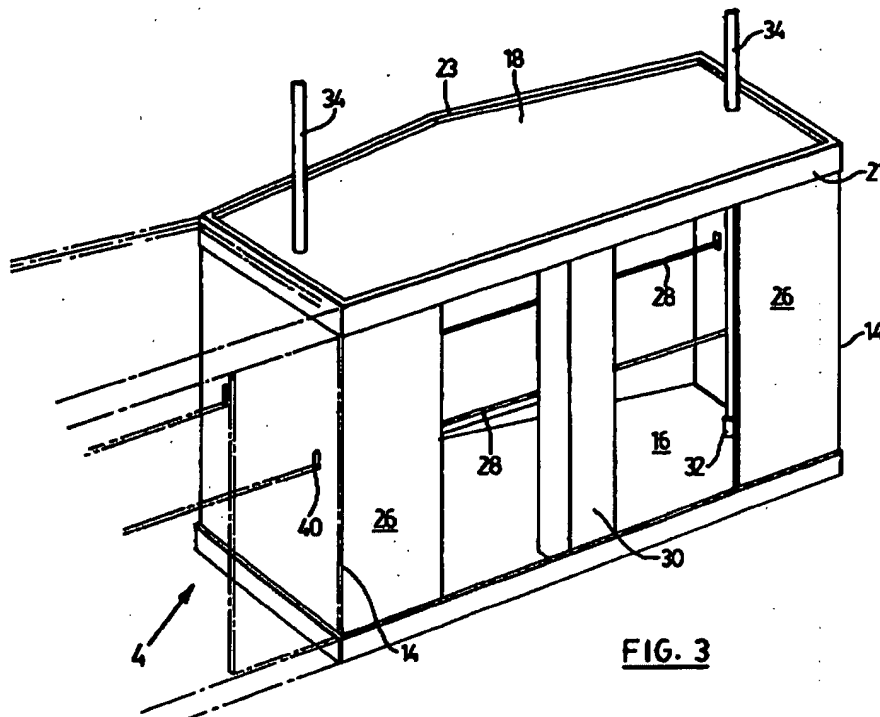
Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5,405,192 to McGrath. McGrath teaches a workstation module (10) which includes a back panel (15), a top panel (18), a bottom panel (16), and a first and second side panel (24) attached to define a inner space. A vertical divider panel (30) and a horizontal divider panel (29) are disposed in the inner space. The vertical divider panel 930) is affixed to the bottom (16) and top (18) panel. The horizontal divider panel (29) is affixed to the side panels (24). An interconnect assembly (40, 28) fits through slots (42) on the side panel (24) for connecting the modular workstation (10) to another modular workstation as best seen in figures 3 and 4.



McGrath '192 Figure 3

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

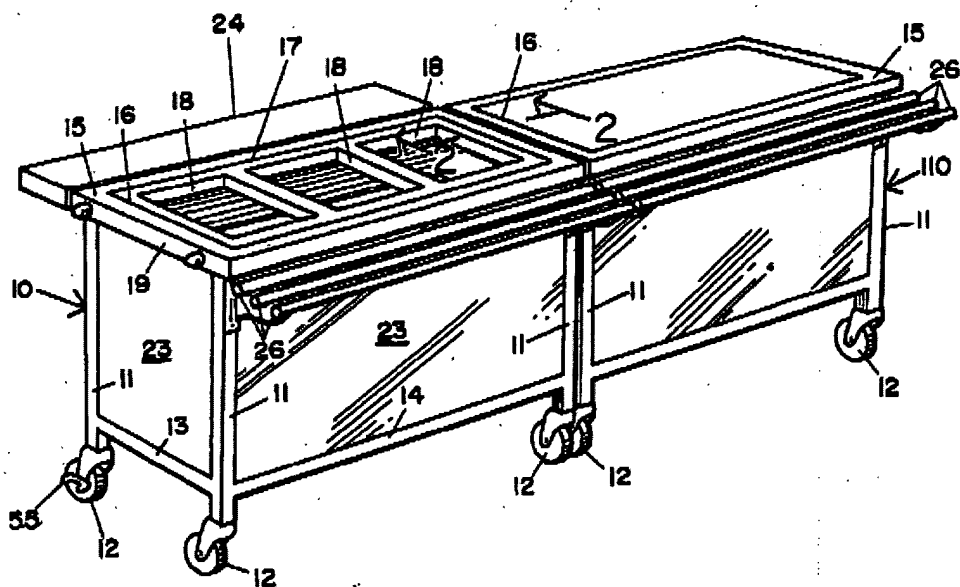
14. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

Art Unit: 3637

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

15. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 3,261,307 to Salkoff in view of US Patent 6,129,366 to Dettmann. Salkoff teaches a workstation (10), which includes legs (11) connected by members (13,14) with panels (23) affixed therein to create side panels and a back panel defining an inner space. At the bottom of the legs (11) is a plurality of rollers (12). A top panel (15) has along it's edge an interconnect assembly (30) to connect the workstation (10) to another workstation (110).

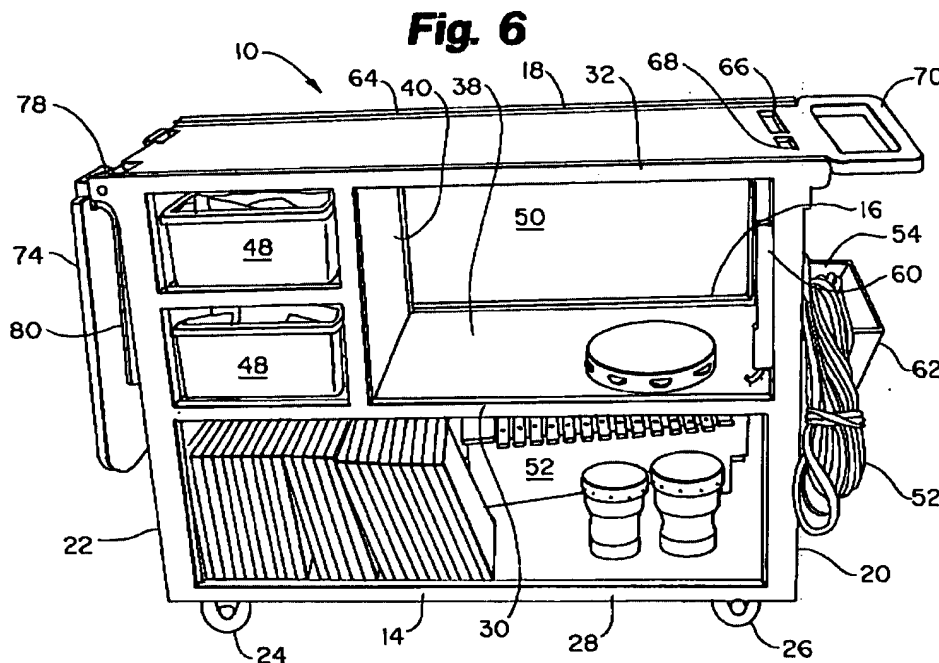


Salkoff '307 Figure 1

16. Salkoff does expressly disclose a bottom panel, a vertical divider, a horizontal divider. Dettmann teaches a workstation module (10) disposed on a plurality of rollers (24,26). A top panel (18) has side panels (20,22) extending downward to a bottom panel

Art Unit: 3637

(12). A horizontal divider (30) connects from first side panel (20) to second side panel (22) and a vertical divider panel (40) is connected to the top panel (18). Security panels (96) can be inserted to create a front and back panel. At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the workstation module of Salkoff with the inner space having a bottom panel, a vertical divider, and a horizontal divider as taught by Dettmann so that a self contained storage area is created (Dettmann '366, col. 2, lines 16-25).

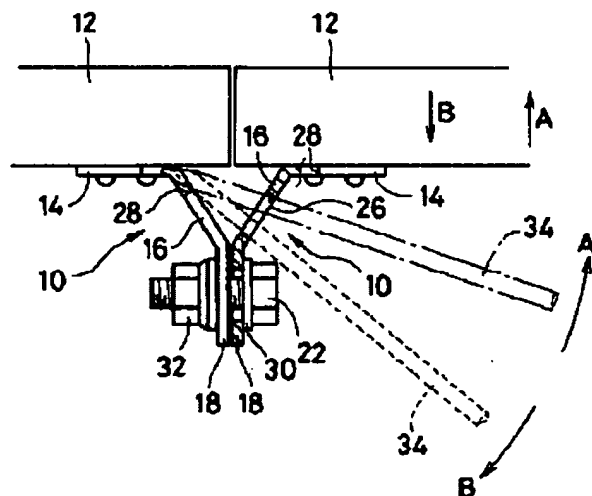


Dettmann '366 Figure 6

17. Claims 2, 3, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 3,261,307 to Salkoff in view of US Patent 6,129,366 to Dettmann as applied to claim 1 above, and further in view of Japanese Patent

Art Unit: 3637

6,181,822 to Iwai. Salkoff in view of Dettmann discloses every element as claimed and discussed above except the interconnect assembly in mechanical communication or attached to the bottom panel. Iwai '822 teaches an interconnect assembly (10) to connect the bottoms of two counter tops (12). The interconnect assembly (10) is a bracket of a generally L-shaped with the top flat portion (14) having holes (20) to be fastened to the bottom of the countertop (12) and the flat portion (18) with a hole (24) to allow a bolt (22) to pass through to tighten the flat portion (18) with another flat portion (18) on the second interconnect bracket (10). At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the workstation module of Salkoff in view of Dettmann by adding an interconnect assembly to the bottom panel as taught by Iwai so that the interconnect is out of sight, the connection is stronger with a connection on the top and bottom, and the interconnect of Iwai allows for an ease of height adjustment due to inconsistent manufacturing.



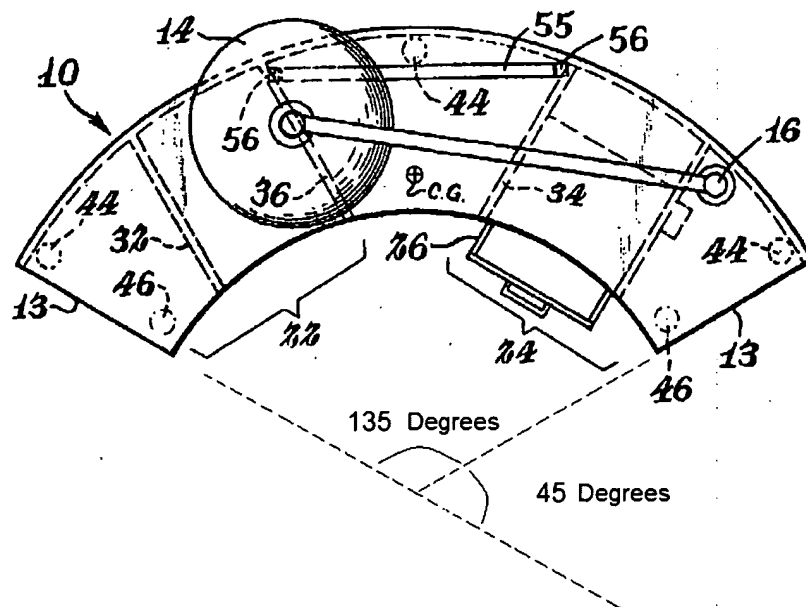
Iwai '822 Figure 2

18. Claims 1-9, 13, 18, 19, 24-31, 35, and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,129,366 to Dettmann in view of US Patent 3,267,881 to Saggione. Dettmann teaches a workstation module (10) disposed on a plurality of rollers (24,26). A top panel (18) has side panels (20,22) extending downward to a bottom panel (12). A horizontal divider (30) connects from first side panel (20) to second side panel (22) and a vertical divider panel (40) is connected to the top panel (18). Security panels (96) can be inserted to create a front and back panel thereby securing the inner space. An access port (68) in the top panel (18) allows easy access to the attached power strip (60). Dettmann does not expressly disclose an interconnect assembly attached to the bottom panel to allow for the connection of multiple workstation modules, the side panels departing from a parallel relationship, the top and bottoms panels having arcuate edges, and the back panel with an arcuate back portion. Saggione '881 teaches a workstation module (10) with a top panel (64, 66) that is arcuate and has arcuate back panel (60) connected to it. An interconnect assembly (75) is connected to the bottom of the top panel (66) on two workstation modules (10) to connect them together. The sides (13) depart from a generally parallel relation at an angle of about 135 degrees or 45 depending on the reference point as seen in figure 1 and marked up figure 2. At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the workstation module of Dettmann by having an interconnect assembly attached to the bottom panel and making the overall

Art Unit: 3637

shape arcuate in nature as taught by Saggione so that the workstation can provide maximum work area in a minimum linear space (Saggione '881, Col. 2, lines 22-24).

19. Regarding claims 25-31, 35, 39-41, the method of manufacturing a workstation module is obvious given the structure described above.



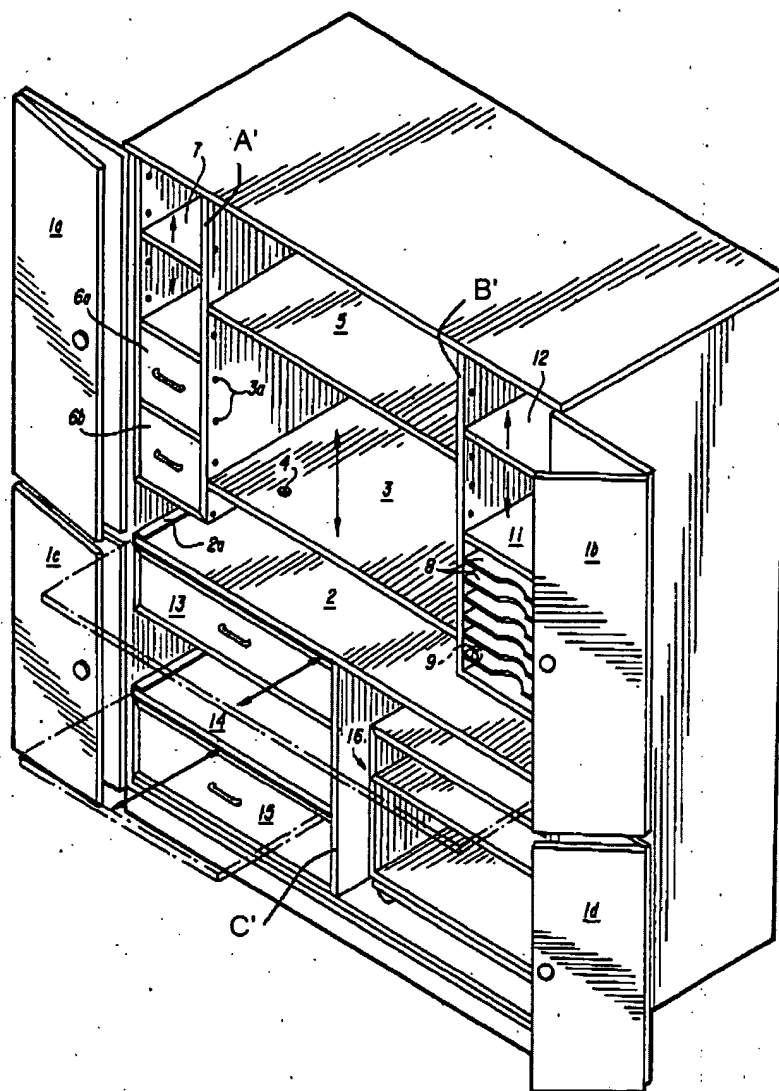
Saggione '881 Figure 2

20. Claims 10-12, 14-17, 32-34, and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,129,366 to Dettmann in view of US Patent 3,267,881 to Saggione as applied to claims 1-9, 13, 18, 19, 24-31, 35, and 39-41 above, and further in view of US Patent 4,669,790 to Briggs. Dettmann in view of Saggione disclose every element as claimed and discussed above except an internal storage cabinet having a cabinet panel is in the front and vertical, a drawer disposed in the inner space, a door limiting access to a portion of the inner space, and a document

Art Unit: 3637

distribution center accessible through the door and having a shelf. Briggs '790 teaches a cabinet with a horizontal divider (2) and vertical dividers (A', B', C') as seen in marked up figure 1 below. The cabinet is an enclosure with back, side, top, and bottom panels. The front of the cabinet has four doors (1) that limit access to a portion of the inner space. A door (1b) allows access to a document distribution center (8). The document distribution center (8) includes a shelf (11). Vertical divider (C') creates an internal cabinet below the horizontal divider (2) that has a door (1c or 1d) as a vertical panel on the front of the cabinet. At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the inner space of the workstation module of Dettmann in view of Saggione by adding a document distribution center, drawers, an internal cabinet, and doors as taught by Briggs so that many different types of objects can be conveniently stored (Briggs '790, Col. 1, lines 53-68).

21. Regarding claims 32-34 and 36-38, the method of manufacturing a workstation module is obvious given the structure described above.



Briggs '790 Figure 1

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent 2,404,182 to Kump discloses workstation module with interconnect assemblies that are located below the bottom panel. US Patent 3,970,374

Art Unit: 3637

to Copp discloses a workstation module that has an arcuate back panel and side that aren't parallel. US Design Patent 141,359 to Carlson discloses a workstation module with an arcuate back panel. US Patent 3,511,192 to Noren discloses an interconnect assembly that is on the bottom panel of a table. US Patent 6,315,376 to Wiseman discloses a workstation module on rollers that has shelves accessible from both sides of the module. US Design Patent 164,851 to Gass discloses a workstation module that has drawers and doors that allow items to be accessible from both sides. US Patent 743,429 to Benbow discloses a cabinet with file shelves that are accessible from both sides and have doors on both sides. US Patent 3,450,451 to Lyman discloses a workstation module with a configurable interior that includes shelves, drawers, doors and vertical and horizontal dividers. US Patent 6,955,410 to Nelson discloses a cabinet on rollers with an interconnect assembly that has a portion of the assembly located near the bottom. US Patent 6,443,542 to Lindquist discloses a cabinet with rollers and a interconnect assembly located near the bottom of the cabinet. US Patent 3,533,362 to Thompson discloses a workstation module with sides that depart at about a 60-degree angle from being parallel and is connected to another similar module. US Patent 5,083,512 to Newhouse discloses a workstation module that has an arcuate portion of the back panel. US Design Patent 239,277 to Franz discloses a workstation module that has an arcuate portion that makes the sidewalls deviate from parallel by 45 degrees.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Ayres whose telephone number is (571) 272-8299. The examiner can normally be reached on MON-THU 8:00 - 5:00.

Art Unit: 3637

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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1/19/06



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